

## **REMARKS**

### **I.     Restriction**

Citing 35 U.S.C. §121, the examiner alleged that claims 1-65 are directed to the following twelve distinct inventions:

Group I (Claims 1-12, 14, 15, 59-61, 74 and 75) is directed to a polynucleotides and means of expression;

Group II (Claims 13, 18-28, 53-58, 62, 63, and 70) is directed polypeptides;

Group III (Claim 16, 17, 71 and 80-82) is directed to methods of screening;

Group IV (Claims 29-48 and 50-52) is directed to antibodies;

Group V (Claim 49, 66, 83-89) is directed to a method of treatment using an antibody;

Group VI (Claims 64 and 89) is directed to a method of treatment with a polypeptide;

Group VII (Claims 65 and 72) are directed to methods of gene therapy;

Group VIII (Claims 67 and 89) is directed methods of treatment with antisense;

Group IX (Claim 68) is directed to a method of detecting a polypeptide;

Group X (Claim 73) is directed to a transgenic animal;

Group XI (Claim 76-79) is directed to a method of detection of nucleic acids; and

Group XII (Claim 89) is directed to a method of treatment using small molecules.

### **II.    Election**

The Applicants hereby elect Group I, which includes claims 1-12, 14, 15, 59-61, 74 and 75, with traverse.

### **III   Traversal Arguments**

The Applicants request examination of the claims of Groups I and II together because the inventions cited by the Examiner as representative of Groups I and II are related inventions and examination of all claims comprising these groups would not constitute an undue burden on the Patent Office.

The claims of Group I are directed to an isolated nucleic acid molecule, a composition thereof, a diagnostic reagent thereof, a vector containing the same, a host cell

thereof, and a method of recombinantly producing the encoded polypeptide, while claims of Group II are directed to polypeptides and compositions thereof. The polypeptides and compositions thereof (of Group II) are those encoded by the polynucleotides of claims of Group I. Furthermore, claim 13 of Group II is the inherent product produced by claim 12 of Group I. In addition, any search designed to identify documents relevant to the patentability of the claimed polynucleotides will employ the same or similar search terms and techniques, and therefore, yield the same or similar documents as a search designed to identify documents related to the claimed polypeptides.

In view of the foregoing, the applicant respectfully requests that the restriction requirement with respect to Groups I and II be withdrawn and these groups be examined simultaneously.


#### IV. Conclusion

In view of the foregoing remarks, the Applicants submit that they have fully and properly responded to the outstanding restriction requirement. Should the Examiner have any questions or concerns regarding this response or the application, the Examiner is invited to contact the undersigned at the number indicated.

Respectfully submitted,

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